



Town of Tyngsborough

Board of Appeals

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from Feb. 9, 2006

Members Present: Robb Kydd, Gary Ralls, Eileen Farrell, and Cheryl Bradley.

This meeting only had 4 voting members and most of these applicants requested to continue hearing to next meeting for five voting members.

Craig & Pamela Berman, 55 Sequoia Drive, Map 26, parcel 151, request variance from side yard set back for construction of addition, R-1 Zone, 2.12.50

Legal notice read. Advertised in the Lowell Sun on December 29, 2005 & January 5, 2006.

Atty. Pete Nicosia presented the application to the board.

One abutter spoke for the applicant- Brian Davey, 50 Sequoia Drive.

One abutter spoke against the applicant- O'Neil, 51 Sequoia Drive.

A lot of discussion of the issue that this addition is too close to O'Neil's master bedroom and pool.

Motion to close the public portion by Farrell. Seconded by Ralls. Vote 5-0.

Board members discussed the major concern with opposing abutter and that the plot plan is only a "taped" survey.

Motion to continue hearing to March 9, 2006 by Ralls. Seconded by Farrell. Vote 4-0

Two Tyng LLC, 104 Coburn Rd., Map 25, Parcel 43, request variance of required uplands for the construction of a single family dwelling, R-1 Zone, section 2.12.20.

Received letter dated Jan. 27, 2006 requesting to withdraw application.

Motion by Farrell to withdraw application. Seconded by Ralls. Vote 4-0

Thomas Lantry, 50 Mission Rd., Map 29, Parcel 56, request for variance, special permit and a party as aggrieved of a decision made by the Building Commissioner- garage is being used as dwelling unit. R-1 Zone, 1.16.00,2.15.21,2.11.30.

Application read. Town Boards notified. Legal notice read. Advertised in the Lowell Sun on December 29, 2005 & January 5, 2006.

Motion to waive the reading of the abutters list by Farrell, seconded by Ralls.

Received letter from Ethan Zimmer requesting to continue hearing to April 13, 2006.

Motion by Ralls to continue hearing to April 13, 2006 at 6:30 PM, seconded by Farrell. Vote 4-0.

Dream Realty LLC DBA Jazzwine Grille, Map 19, parcel 8A, Map 12 parcel 40, 361 Middlesex Rd., request variance, special permit and a party as aggrieved of a decision made by the Building Commissioner letter on parking requirements, landscaping, compact spaces and any other relief as may be required by-law to allow the repairs of parking lot. B-3 Zone, sections 3.10.20, 3.10.43, 3.10.49.

Application read. Town Boards notified. Legal notice read. Advertised in the Lowell Sun on December 29, 2005 & January 5, 2006.

Motion to waive the reading of the abutters list by Farrell, seconded by Ralls.

Received letter from Patrick Shanahan dated Feb. 8, 2006 requesting to continue hearing to March 9, 2006.

Motion to continue by Farrell. Seconded by Ralls. Vote 4-0. Hearing continued to March 9, 2006.

Digital Federal Credit Union, 378 Middlesex Rd., Map 29, parcel 56, request variance due to a Planning Board stipulation, an access point onto Locust Ave is required. There is only 350 feet of sight distance on Locust Ave., B-3 Zone, section 3.10.41 (2).

Received letter dated Feb. 1, 2006 from HIS, Steven Auger requesting to withdraw this application.

Motion to withdraw application by Farrell. Seconded by Ralls. Vote 4-0.

Ominipoint Communications, Inc., T-Mobile USA Inc., 50 Coburn Rd., Map 26, parcel 33. Request variance and special permit to install, operate, and maintain a wireless communications facility, including without limitation, a 150' monopole, antennas, ground equipment, and fenced compound. R-1 Zone, sections 4.16, 2.12,2.15.22.

Application read. Town Boards notified. Legal notice read. Advertised in the Lowell Sun on December 29, 2005 & January 5, 2006.

Motion to waive the reading of the abutters list by Farrell, seconded by Ralls. Vote 4-0.

Received letter dated Feb. 6, 2006 requesting to continue this hearing to March 9, 2006, at 6:30 PM.

Motion by Ralls to continue this hearing to March 9, 2006 at 6:30 PM, seconded by Farrell. Vote 5-0.

Other Business:

Walter Ericksen was present to speak to the board on his proposal to add club house and move mone house (96) to 96A. Members want to know about the parking and Walter is to get Engineers to look at parking possibilities. Board feels this is a good idea.

Members discussed Wynbrook Deed Rider and Robb Kydd spoke to Atty. Lisa Mead and she is not comfortable with this paragraph.

Approve minutes from meeting on Jan. 12, 2006, motion to approve minutes from Jan. 12, 2006 by Farrell. Seconded by Bradley. Vote 4-0.

Motion to adjourn by Ralls, seconded by Bradley. Vote 4-0.